

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
JACKSON DIVISION**

**ZIDY MCCAIN and CHARLES MCCAIN**

**PLAINTIFFS**

**VS.**

**CIVIL ACTION NO. 3:06CV327WA**

**LEHMAN BROTHERS, INC.**

**DEFENDANT/  
THIRD-PARTY PLAINTIFF**

**XENCOM FACILITY MANAGEMENT I, LLC**

**THIRD PARTY DEFENDANT**

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**ORDER**

This matter came before the court on the Plaintiffs' Out-of-Time Motion to Designate Expert Witnesses, which is opposed by the Defendant, and the Defendant's Motion to Strike Out-of-Time Designation of Expert Witnesses. Having reviewed the Motions and the docket, the court is of the opinion that the Plaintiffs should be permitted a brief extension of time within which to properly designate their expert witnesses. The Defendant will be permitted a concomitant extension in order to supplement or revise its designation, and the discovery and motion deadlines will be adjusted accordingly. The Plaintiffs are advised, however, that a failure to provide a complete designation of their expert witnesses, in accordance with Fed. R. Civ. P. 26(a)(2) and Unif. Local R. 26.1(A)(2), may result in the court's striking their experts. The parties are further advised that further extensions of time will not likely be permitted absent a continuance of the trial date.

IT IS, THEREFORE, ORDERED that the Plaintiff's Out-of-Time Motion to Designate Expert Witnesses is hereby **granted**, and Defendant's Motion to Strike Out-of-Time Designation of Expert Witnesses is hereby **denied**.

IT IS FURTHER ORDERED that the Case Management Plan Order previously entered in this matter is hereby amended, as follows:

1. The Plaintiff shall serve a **complete** designation of expert witnesses by March 12, 2007.
2. The Defendant may revise or supplement its designation of expert witnesses by April 9, 2007.
3. Discovery shall be completed by April 30, 2007.
4. The deadline for filing motions, other than motions *in limine*, is May 14, 2007.

IT IS SO ORDERED, this the 1<sup>st</sup> day of March, 2007.

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S/Linda R. Anderson

UNITED STATES MAGISTRATE JUDGE